

## Exhibit 1

### Amended Complaint (Excerpts)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

ROBERTO CLAROS,  
JOSÉ CLAROS,  
FREDY ZAMORANO,  
OSBALDO LOPEZ,  
HECTOR ANDRADE, and  
MARIO HERRERA MACURÁN

Plaintiffs,

v.

SWEET HOME IMPROVEMENTS, INC.,  
7700 Little River Turnpike #103  
Annandale, VA 22003

Serve: Miae Koo, Registered Agent  
(same address)

MYUNG KWAN KOO, and  
MIAE KOO

Defendants

JURY TRIAL DEMANDED

Civ. No: 1:16-cv-344-AJT-MSN

**FIRST AMENDED COMPLAINT**

**Preliminary Statement**

1. Plaintiffs bring this action against Defendants for failure to pay minimum wages and overtime as required by the Fair Labor Standards Act, 29 U.S.C. §§ 201–219 (FLSA).  
Defendant Sweet Home Improvements, Inc.’s failure to pay promised wages also constitutes a breach of contract under Virginia law. Plaintiffs Roberto Claros and José Claros each bring

an additional breach-of-contract claim under Virginia law against Sweet Home, also based on a failure to pay wages.

2. The Court has subject-matter jurisdiction over Plaintiffs' FLSA claims pursuant to 29 U.S.C. § 216(b) (private right of action) and 28 U.S.C. § 1331 (federal question). The court has subject-matter jurisdiction over Plaintiffs' state-law breach-of-contract claims because they are so closely related to Plaintiffs' federal-law claims as to form part of the same case or controversy. *See* 28 U.S.C. § 1337(a).
3. The Court has personal jurisdiction over the Defendants because all Defendants are domiciled in this District and because the work was performed in Fairfax County. Venue is proper in this Court for the same reason. *See* 28 U.S.C. § 1331(b)(1)-(2).

#### PARTIES

2. Plaintiffs are adult residents of Virginia who worked for Defendants' residential construction and remodeling business.
3. Plaintiff José Claros ("José") is an adult resident of Fairfax County, Virginia.
4. Plaintiff Roberto Claros ("Roberto") is an adult resident of Fairfax County, Virginia.
5. Plaintiff Freddy Zamorano is an adult resident of Fairfax County, Virginia.
6. Plaintiff Osbaldo Lopez is an adult resident of Arlington, Virginia.
7. Plaintiff Hector Antonio Andrade is an adult resident of Arlington, Virginia.
8. Plaintiff Mario Herrera Macurán is an adult resident of Fairfax County, Virginia.
9. Defendant Sweet Home Improvements, Inc. ("Sweet Home") is a Virginia corporation.
10. Defendant Myung Kwan Koo ("Mr. Koo") is a Sweet Home director. He is also the corporation's president.

11. Defendant Miae Koo (“Mrs. Koo”) is a Sweet Home director. She is also the corporation’s registered agent.
12. Defendants maintain an office and showroom in Annandale, Virginia.
13. Upon information and belief, the Koos are the owners of Sweet Home.

## **FACTS**

### **Defendants**

14. Defendants are in the residential construction and remodeling business.
15. Defendants Myung Kwan and Miae Koo control the day-to-day operations of Defendant Sweet Home.
16. Defendants hired Plaintiffs and, upon information and belief, had the power to fire them.
17. Defendants directly or indirectly set Plaintiffs’ work schedules, or had the power to do so.
18. Defendants instructed Plaintiffs which construction or remodeling projects to work on throughout the day.
19. Defendants determined the Plaintiffs’ rate and method of payment.
20. Upon information and belief, Defendants perform residential construction and remodeling services in multiple states, including Virginia, Maryland, and the District of Columbia.
21. Upon information and belief, at all relevant times, Defendants had an annual gross volume of business of over \$500,000.
22. Upon information and belief, Defendants have at least two employees who are engaged in interstate commerce, or who handle, sell, or otherwise work on goods or materials that have moved in interstate commerce.